IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.1328 OF 2004

Smt.Shashikala R. Gatne ...Appellant
Vs.
Bhimathadi Shikshan Sanstha & Ors. ...Respondents

Mr.Sanjiv A.Sawant for the Apppellant.
Mr.P.K.Hushing for the Respondent Nos.1 to 4.

CORAM: A.S.OKA, J.
DATED: MAY 4,2005.

P.C.:

1. Heard Shri Sawant for the Appellant and Shri Hushing for Respondent Nos.1 to 4. Shri Sawant states that the Appellant is personally present in the Court. He has tendered on record a letter/representation dated 4th May 2005 signed by the Appellant which is addressed to the Director of Education, Pune, Deputy Director of Education, Pune and Education Officer, Pune. The statements made in the said Application in Clause (1) and (2) in paragraph No.3 read thus:

"i) I give up all my claims as to my appointment to the post as Head Mistress and consequential relief/demand for post of Head Mistress. I was in service as Assistant Teacher from 1961 to 1979 and on that basis alone. I may be considered for service benefits and payment of pension as per the rules. This is without any burden on the management.

ii) I will not make claim the salary and all benefits under the salary from the period 1979 upto the pendency of the litigation even I will not make any claim of cost and other consequence of the proceedings. If the Pension is not made permissible then I will not make any claim against the management."

2. Shri Hushing appearing for Respondent Nos.1 to 3 states that in view of the aforesaid statements, Respondent Nos.1 to 3 are ready and willing to submit pension papers/proposal for grant of pensionary and other retirement benefits of the Appellant on account of services rendered by the Appellant as Assistant Teacher from 1961 to 1979. He submitted that the said statement by the Respondent Nos.1 to 3 may not be construed as any admission of liability on the part of the Respondent Nos.1 to 3. He states that necessary papers will be forwarded on or before 31st August 2005.

3. In view of this position, Shri Sawant on instruction of the Appellant who is stated to be present in the Court prays for withdrawal of the Appeal with liberty to make a representation to the concerned authorities, (a copy of which is tendered on record and marked 'X' for identification). for claiming pensionary and other retirement benefits on the basis of service rendered as Assistant Teacher from 1961 to 1979 against the Respondent Nos.6 to 9. An Affidavit is

filed by the Appellant reiterating the statements as recorded in paragraph No.1 is taken on record and the same is marked 'Y' for identification.

4. Hence, I pass the following order :

i) Second Appeal is dismissed as withdrawn.

ii) The statement made by the learned Counsel appearing for the Respondent Nos.1 to 3 to submit papers/proposal to the concerned authorities on or before 31st August 2005 for grant of pensionary and other retirement benefits to the Appellant on the basis of her service rendered as Assistant Teacher from 1961 to 1979 is accepted.

iii) Notwithstanding the dismissal of the Appeal, it will be open for the Appellant to make representation dated 4th May 2005 to the Respondent Nos.7 to 9, a copy of which is tendered on record and marked 'X ' for identification.

iv) The representation made by the Appellant and the proposal for pensionary and other retirement benefits submitted by the Respondent Nos.1 to 3 shall be processed by the Respondent Nos.7 to 9 as expeditiously as possible and the decision shall be taken on the same on or before 31st December 2005.

No order as to costs.

. Parties to act upon an authenticated copy of this order.

Judge.